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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,145	04/27/2001	Salil Pradhan	30014343 US	7305
22879 7590 12/21/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER ELAHEE, MD S	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 12/21/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/843,145

Applicant(s)

PRADHAN ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/02/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14, 20-22 and 25-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 7-12, 14, 20-22, 25-37 and 39-41 is/are rejected.
- 7) ☒ Claim(s) 12 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 04/04/2007. Claims 1-5, 7-12, 14, 20-22 and 25-41 are pending. Claims 6, 13, 15-19, 23, 24 have been previously cancelled.

Response to Arguments

2. Applicant's arguments regarding claims 1-5, 7-11, 14, 27-31, 33, 35, 36 and 39 filed in the 10/02/2007 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

3. The arguments regarding claims 20-22, 25, 26, 32, 34, 36, 37, 40 and 41 filed in the 10/02/2007 Remarks have been fully considered but they are not persuasive because of the following:

Regarding claim 20, the Applicant argues on page 8 that **Konishi** has nothing to do with a replying to an advertisement or a telecommunication address of an advertiser or a replier. Examiner respectfully disagrees with this argument. **Konishi** teaches response message corresponding to a transmitted message [i.e., advertisement] (see col.2, lines 55-57). Therefore, the rejection of the claims in view of **Rautila** and **Konishi** will remain.

Regarding claim 22, the Applicant argues on pages 22-23 that in other words, claim 22, as amended, indicates that the broker device can (1) during one interval, pass advertiser details, (2) during a second interval pass consumer details, and (3) during a third interval pass both

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advertiser and consumer details and the rejection of the claim is incorrect. Examiner respectfully disagrees with this argument. The applicant did not claim the limitation. There is no interval involves in the claim. Therefore, the rejection of the claims in view of **Rautila** and **Paltenghe** will remain.

Claim Objections

4. Claims 2-5, 7-12, 14, 21, 25, 27-31, 35, 36 and 39 are objected to because of the following informalities: regarding claim 2, the phrase "A method" in line 1 should apparently be "The method". Claims 3-5, 7-12, 14, 27-31, 35, 36 and 39 are rejected for the same reasons as discussed above with respect to claim 2. Appropriate correction is required.

5. Regarding claim 21, the phrase "A server" in line 1 should apparently be "The server", regarding claim 25, the phrase "A network" in line 1 should apparently be "The network". Appropriate correction is required.

6. Regarding claims 22, 40, the phrase "A network comprising" in line 1 should apparently be "A network comprising:". Appropriate correction is required.

Specification

7. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without

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underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Allowable Subject Matter

8. Claims 12 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-5, 7-11, 14, 27-31, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. (U.S. 6,549,625) in view of Suarez (U.S. 5,790,789).

As to Claims 1, 27-30, with respect to Figures 1-4, Rautila teaches a method of advertising comprising:

broadcasting an advertisement via a short range link from an advertiser telecommunications device, 14, (Figure 1, labels 12,14);

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receiving the broadcast advertisement on a consumer telecommunications device, 12, (Figure 1, label 12);

replying to the advertisement by sending a SMS message [i.e., reply message including message data] from the consumer device to an advertisement broker device, 26 (Figure 1, label 26 and Col. 7, lines 1-10);

changing the SMS message to an acknowledgment message [i.e., reply message] at the broker device to derive a changed reply message (Col. 7, lines 1-10);

communicating the acknowledgement [i.e., changed reply] from the broker device to the advertiser device (Col. 7, lines 1-10).

However, Rautila does not specifically teach “changing message data of the reply at the broker device”. Suarez teaches changing message data of the reply at the agent [i.e., broker] device (abstract; Fig. 11; Col. 26, lines 56-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to change message data of the reply at the broker device as taught by Suarez. The motivation for the modification is to do so in order to deliver a modified message such that a message path can be easily controlled by a broker.

As to Claim 2, Rautila teaches a method according to claim 1 in which the advertisement is broadcast to a man portable consumer device (Figure 1, label 12).

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As to Claim 3, Rautila teaches a method according to claim 2 in which the consumer telecommunications device is a hand-holdable portable and pocketable device (Figure 2).

As to Claim 4, Rautila teaches a method according to claim 1 in which the advertisement is broadcast from a man portable advertiser device (Figure 1, label 14).

As to Claim 5, Rautila teaches a method according to claim 4 in which the advertiser device is a hand-holdable portable device (Figure 1, label 14).

As to Claim 7, Rautila teaches a method according to claim 1 in which the advertiser device does not include its own telecommunications address in its broadcast advertisement (Figure 3 and Col. 6, lines 48-60 and Col. 8, lines 63-67).

As to Claim 8, Rautila teaches a method according to claim 7 further including the step of including the telecommunications address of the broker device in the advertisement (Col. 7, lines 12-22).

As to Claim 11, Rautila teaches a method according to claim 1 in which the consumer device replies to an advertisement via long range telecommunications (Figure 1, label 42).

As to Claim 14, Rautila teaches a method according to claim 1 comprising using a mobile telephone, personal digital assistant, or other small portable electronic devices for both the advertiser device and the consumer device, the advertiser and consumer devices both having both

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piconet short range and long range telecommunication capabilities (Col. 6, lines 23-47).

Claim 31 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Rautila teaches a method according to claim 1, wherein the reply message communicated from the broker device to the advertiser device is changed by the broker device changing the message sent by the consumer device by augmenting the message in the reply message sent by the consumer device to the broker device (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

As to Claim 33, Rautila teaches a method according to claim 1, further including transmitting additional advertisement information from the advertiser device to the consumer device in response to a request for additional information by the consumer device to the advertisement (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

As to Claim 39, Rautila teaches a method according to claim 1, wherein the reply message communicated from the broker device to the advertiser device is changed by the broker device changing the message data sent by the consumer device by deleting some of the message data in the reply message sent by the consumer device to the broker device (Col. 10, lines 1-8, 58-64 and Col. 5, lines 39-51).

13. Claims 20, 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. in view of Konishi (U.S. 5,301,273).

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As to Claims 20, 21, 32 with respect to Figures 1-4, Rautila teaches a server with database 26 [i.e., server], the server including an arrangement adapted to act as an advertisement broker device adapted to receive an SMS message [i.e., one of (i) an advertisement message or (ii) a reply message to an advertisement] and to forward the received message to a mobile terminal [i.e., remote telecommunications device] (Col. 10, lines 1-8 and 55-64);

the arrangement being adapted to validate the user [i.e., modify the received message] so as to ensure, at least initially, that the mobile user is an authorized user to receive the additional information about the goods or service or other information sources (Col. 9, lines 15-20, 56-67, Col. 10, lines 1-8, 55-63).

However, Rautila does not specifically teach the server to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server". Konishi teaches the bridge unit (fig.1, item 20a, fig.2) [i.e., server] to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server (abstract; col.2, lines 52-58). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to incorporate the server to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertisement is passed with the message that is transmitted by the server as taught by Konishi. The motivation for the modification is to do so in order to remove an address from a message to be transmitted so that the message can be broadcasting again.

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14. Claims 22, 25, 26, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. in view of Paltenghe et al. (U.S. 2001/0011250).

As to Claims 22, 40, 41, with respect to Figures 1-4, Rautila teaches a network comprising an advertiser device (fig.1, item 16, fig.3) comprising a first telecommunications device having both a short range transmitter and receiver (fig.1, item 14), and a long range telecommunication transmitter and receiver (fig.1, item 30, fig.3), a memory, and a control processor, the memory including all advertisement (fig.1; col.8, lines 5-13);

a consumer device (fig.1, item 12) comprising a second telecommunications device, having both a short range, piconet, transmitter and receiver, and a long range telecommunications transmitter and receiver, a memory and a control processor, the memory or the processor of the consumer device having an advertisement receiver which in use, is capable of receiving and storing advertisement (fig.2);

a server with database 26 [i.e., an advertisement broker device] contactable via wireless telecommunications with both the advertiser and consumer devices, the broker device being adapted to selectively pass (a) advertiser details to the consumer device, and consumer details to the advertiser device, or both, in response to triggering (Col. 9, lines 15-20, Col. 10, lines 1-8, 55-64).

However, Rautila does not specifically teach that block passage of advertiser details to the consumer device". (Note; examiner considers the claimed "or" in line 8 of the claim 22 as simple alternative "or", therefore, examiner selects only the claimed "advertiser details to the consumer device"). Paltenghe teaches that block passage of advertiser details to the consumer device (page

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2, paragraph 0017). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to block passage of advertiser details to the consumer device as taught by Paltenghe. The motivation for the modification is to do so in order to prevent direct contact between advertiser and consumer such that sensitive information is not disclosed due to privacy concerns.

As to Claim 25, Rautila teaches the network of claim 22 in which the broker device is connectable with the advertiser device and the consumer device via long range wireless telecommunications (fig.1).

As to Claim 26, Rautila teaches the network of claim 22 wherein each the telecommunication devices includes a hybrid telephone (Col. 8, lines 49-52).

As to Claim 37, Rautila does not specifically teach that during passing of details of the advertiser to the consumer device, block passage of address of the advertiser devices to the consumer device. Paltenghe teaches that during passing of details of the advertiser to the consumer device, block passage of address of the advertiser devices to the consumer device (page 2, paragraph 0017). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rautila to block passage of address of the advertiser devices to the consumer device during passing of details of the advertiser to the consumer device as taught by Paltenghe. The motivation for the modification is to do so in order to prevent direct

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communication between advertiser devices to the consumer device such that sensitive information is not disclosed due to privacy concerns.

15. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. in view of Paltenghe et al. further in view of Konishi.

Claim 34 is rejected for the same reasons as discussed above with respect to claim 20.

16. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila et al. in view of Suarez further in view of Paltenghe et al..

Claims 35 and 36 are rejected for the same reasons as discussed above with respect to claim 22.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Md. Shafiul Alam Elahee

MD SHAFIUL ALAM ELAHEE

Examiner

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December 17, 2007